

**FILED****NOVEMBER 6, 2008**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
DIVISIONKesha M. R. Leach  
(Name of the plaintiff or plaintiffs)

v.

Advocate Healthcare  
Systems  
(Name of the defendant or defendants)

CIVIL ACTION

**08CV5686****JUDGE HIBBLER****MAGISTRATE JUDGE COLE**

## COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Kesha M. R. Leach of  
the county of Cook in the state of Illinois.
3. The defendant is Advocate Healthcare LGH, who  
resides at (street address) 1715 N. Dempster Ave  
(city) Park Ridge (county) Cook (state) IL (ZIP) 60068  
(Defendant's telephone number) (847) - 723-6100

**RECEIVED**

Oct 6, 2008

OCT 6 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

- 4) The plaintiff sought employment or was employed by the defendant at

(street address)

1775 Dempster Ave

(city)

Davidge

(county)

Cook

(state)

IL

(ZIP code)

60068

5. The plaintiff [check one box]

(a) ☐

was denied employment by the defendant.

(b) ☐

was hired and is still employed by the defendant.

(c) ☒

was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) 04

(day) 09

(year) 2007

7. (a) The plaintiff [check one box]

☐ has not  
☒ has

filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i)

☒

the United States Equal Employment Opportunity Commission on or about

(month) 06

(day) 20

(year) 2007

(ii)

☐

the Illinois Department of Human Rights on or about

(month) \_\_\_\_\_

(day) \_\_\_\_\_

(year) \_\_\_\_\_

- (b) If charges were filed with an agency indicated above, a copy of the charge is

attached.

☒

YES

☐

NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐

the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒

the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) JULY

(day) 18

(year) 2008

a copy of which *Notice* is attached to this complaint.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Plaintiff was paid less than other employees.  
Was treated different than other employees.  
Was worked harder than other employees.  
Received a promotion then was terminated  
within 6 weeks of the promotion.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.  
(b) ☐ Direct the defendant to re-employ the plaintiff.  
(c) ☐ Direct the defendant to promote the plaintiff.  
(d) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's religion.  
(e) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.  
(f) ☐ Direct the defendant to (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☐ YES ☒ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ other (specify):

Paid me the Plaintiff well  
below the salary required for the  
position which I was filling, then subsequently  
terminated me before salary performance  
review was scheduled and reviewed.

(h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

Kesha M. R. Leach

Kesha Michelle Lena Leach

439 N. Central Ave

(City) Chicago (State) IL (ZIP) 60644

(Plaintiff's telephone number) (773) - 584-2431

EEOC Form 161 (2/08)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Kesha Leach**  
**4924 West Iowa**  
**Chicago, IL 60651**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2800**  
**Chicago, IL 60661**

Certified Mail 7001 1940 0003 8825 4457



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-05756

**Tyrone Irvin,**  
**Enforcement Supervisor**

(312) 353-0905

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that ~~the statute of limitations for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.~~

Enclosures(s)

On behalf of the Commission

**John P. Rowe,**  
**District Director**

**7/9/08**  
 (Date Mailed)

CC: **ADVOCATE HEALTHCARE**